

# Purchase of Land (Ireland) Bill.

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Clause.

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## SCHEDULE OF REGULATIONS.

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B I L L

TO

Amend the Land Law (Ireland) Act, 1881, and to provide facilities for the sale and purchase of Land in Ireland. A.D. 1884.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Purchase of Land (Ireland) Act, 1884. Short title.

PART I.

ADVANCES FOR PURCHASE.

2. From and after the passing of this Act, the advances which the Land Commission may make to tenants to enable them to purchase their holdings, either from their landlords respectively or from the Land Commission, shall be of two classes; that is to say, advances the repayment of which is guaranteed by a county land board, and advances not so guaranteed. Advances to tenants shall be of two classes.

3. (1.) With respect to advances guaranteed by a county land board, in this Act referred to as guaranteed advances, the provisions of Part Five of the Land Law (Ireland) Act, 1881, shall be amended as follows: Guaranteed advances.  
44 & 45 Vict. c. 49.

- (a.) Subject to the provisions of this Act, the Land Commission may, if satisfied with the security, and if the repayment of the advance is guaranteed by a county land board, advance to a tenant who is purchasing his holding, the whole principal sum or price payable by the tenant, instead of the three fourths thereof mentioned in Part Five of the Land Law (Ireland) Act, 1881.

- (b.) Every guaranteed advance shall be repaid by an annuity in favour of the Land Commission for *thirty-three years, of five* [Bill 298.]

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pounds for every hundred pounds of such advance, and so in proportion for any less sum, instead of by the annuity mentioned in the said Act.

- (c.) It shall not be lawful for the Land Commission to make guaranteed advances under this Act exceeding in all the sum 5 of *twenty million pounds* not exceeding the sum of *five million pounds* in any one period of twelve months after the passing of this Act.

(2.) With respect to advances not guaranteed by a county land board, the provisions of Part Five of the said Act shall be amended 10 as follows:—

- (a.) Every such advance shall be repaid by an annuity in favour of the Land Commission for *forty years*, of *four pounds ten shillings* for every hundred pounds of such advance, and so in proportion for any less sum, instead of by the annuity 15 mentioned in the said Act.

(3.) Subject to the amendments contained in this Act, the provisions of Part Five of the said Act shall apply to all such advances.

(4.) Where a holding is sold by the Landed Estates Court to the tenant of that holding, the sale shall for the purposes of advances 20 under this Act be deemed to be a sale by a landlord to a tenant.

## PART II.

### COUNTY GUARANTEES.

Establishment of county land boards.

4. For the purpose of guaranteeing the repayment of advances made by the Land Commission under this Act there shall be 25 established in every county a county land board, consisting of persons returned to represent the owners of land in the county (in this Act referred to as the nominated members), and to represent the rated occupiers of land in the county (in this Act referred to as the elected members of the board). 30

The number of the nominated members shall be the same as that of the elected members of the board.

The members of the board shall hold office for a term of *three years* computed from the *twenty-fifth day of March* in the year of their nomination or election. 35

Mode of electing the land board.

5. (1.) In every county, the grand jury shall at the spring assizes in every third year, after the passing of this Act, nominate the nominated members of the county land board.

(2.) The elected members of the county land board shall be elected in the manner provided by regulations under this Act by the 40

[1884-1885]

elective guardians of the poor of the several poor law unions belonging to the county. A.D. 1884.

One member shall be returned to represent each union; provided that if the number of unions in less than four or more than eight, the regulations under this Act shall determine the number of members to be returned for each union, or shall group unions for electing a member, so that the number of members may not be less than four nor more than eight.

Where a union extends into more counties than one, the regulations may declare that such of the electoral divisions of that union as are situate in each of such counties respectively shall, for the purpose of election, either constitute a separate union, or be grouped with the electoral divisions of some other union belonging to that county and form part of such union.

15 An elected guardian shall not in that capacity have a vote for the county land board of any county other than that in which the electoral division for which he is guardian is situate.

A person shall not be qualified to be an elected member of a county land board of any county unless he is an elected guardian or a person qualified to be an elected guardian of the union by the guardians of which he is elected, and is qualified to be such elected guardian in respect of property situate in such county.

The regulations contained in the schedule to this Act relative to the election and conduct of business of the county land board, and otherwise, shall be as effectual as if they were enacted in this Act.

Subject to the provisions of this Act, the Local Government Board may from time to time make, and when made, may rescind and vary Regulations for regulating elections of the elected members of county land boards under this Act; and for determining the remuneration to be paid to the clerks of unions and other persons employed in such elections, and for the other matters mentioned in this section.

6. (a.) When the tenant of a holding has arranged with the landlord, or with the Land Commission, for the purchase of such holding, and the Land Commission are willing to make a guaranteed advance to the tenant to enable him to carry such purchase into effect, the Land Commission shall settle a provisional agreement, stating the terms of the arrangement as to such purchase and advance.

*Deputy of the  
county land  
board*

(b.) The Land Commission shall from time to time transmit to the land board of each county all provisional agreements relating to holdings in that county, with all such information as in the judgment of the Land Commission is requisite to enable the land

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board to determine upon the propriety of guaranteeing or refusing to guarantee the advances mentioned in such provisional agreements.

(c.) The county land board shall take every such provisional agreement into their consideration, and hear any person interested, and may, if they think fit, and are satisfied as to the reasonableness of the provisional agreement, by resolution declare that the county shall become liable by way of guarantee for the payment to the Land Commission of the annuity payable in respect of the advance proposed to be made by the Land Commission, as stated in such provisional agreement; and shall communicate their resolution to the Land Commission.

(d.) The Land Commission shall not make an advance upon the faith of any such resolution unless it purports to have been assented to and signed by not less than three-fourths of the whole number of the members of the board, if that number is divisible by four; and if not, then by such number of members as the Land Commission with the sanction of the Treasury may prescribe.

Effect of a  
guarantee.

7. When advances under this Act have been made on the faith of a resolution of the land board of any county, the following provisions shall take effect—

- (1.) The Land Commission shall from time to time transmit to the grand jury, a certificate of the total sum due to the Land Commission on account of all the guaranteed advances made by them in respect of holdings situate in such county; accompanied by a statement showing the arrears of the annuity payable in respect of each such advance, then owing to the Land Commission.
- (2.) The Land Commission shall at the same time transmit to the grand jury a list (in this Act referred to as a list of purchasers in arrear) containing the name of every person in default in making payment of such annuity, specifying the holding in respect of which such default has been made and the amount due by such person. If the name of such person is not known to the Land Commission, it shall be sufficient to describe him as the purchaser, or the representative of the purchaser, of the holding in respect of which such arrears are due.
- (3.) On the receipt of such certificate the grand jury shall, without any previous application to presentment sessions, make a presentment for the amount specified in such certificate as payable to the Land Commission, with such further sums as may be sufficient to defray the cost of collection; or, in default of such presentment the amount shall be raised by an order of the

judge of assize, which shall have the force of a presentment. The sums raised under such presentments, to the amount certified to be due, shall be lodged to the credit of the Land Commission in such manner as the Treasury may from time to time direct; and shall be applied by the Land Commission in the same manner as if they were payments on account of the annuities in arrear.

(4.) Every such certificate of the Land Commission shall be conclusive evidence of all facts and circumstances necessary to authorise the making of it. Every list of purchasers in arrear shall be *prima facie* evidence of the facts therein appearing.

8. The provisions of the sixty-fifth section of the Landlord and Tenant (Ireland) Act, 1870, relative to deductions from rent for grand jury cess in certain cases, shall apply to payments by an occupier for grand jury cess under this Act, whether the tenancy of such occupier was created before or after the passing of that Act.

In the counties chargeable under this Act receipts for grand jury cess shall be given by the collectors distinguishing the poundage rate levied in respect of presentments under this Act from the rest of the cess payable for the half year.

9. Where an advance is made by the Land Commission on the security of the guarantee of the county board of any county, the obligation of the grand jury of the county to present all sums certified to be owing to the Land Commission in fulfilment of such guarantee shall be binding, and may be enforced in pursuance of this Act, notwithstanding any defect in the power or constitution or proceedings of the county land board, by whom the guarantee was given, or any defect in such guarantee.

10. (1.) Where an advance is made by the Land Commission on the faith of a guarantee, and default is made in payment to the Land Commission of any sums payable in consequence of such guarantee, the Land Commission may, without prejudice to any other remedy, by notice in writing served at the office or last known place of address of the secretary of the grand jury, or where from any cause the same cannot be so served, by notice in writing published in the manner prescribed by rules of the Land Commission under this Act, declare their intention to exercise the powers conferred by this Act; and thereupon the Land Commission shall have and may, whenever they think fit, exercise the same power as the grand jury of making presentments for the purposes of this Act and levying county cess in the county under such presentments, and for that purpose the Land Commission may appoint an officer who,

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Tax to be divided like poor rate.  
33 & 34 Vict.  
c. 46.

Charge on county cess.

Recovery of advance secured by guarantee.  
[38 & 39 Vict.  
c. 89, s. 25.]

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subject to the directions of the Land Commission, shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the grand jury.

(2.) The Land Commission, in making an estimate of the rate to be levied for the purpose of paying any sum due, may add such sum as they think sufficient for defraying and may defray thereout all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by the Commission in the execution of their powers under this section or otherwise by reason of the default in payment.

(3.) Any balance remaining in the hands of the Land Commission shall be paid by them to the person or bank acting as treasurer of the county.

(4.) The Land Commission may, by a like notice, declare their intention to relinquish the powers conferred by this section, and that either absolutely or with reservations and conditions, and thereupon all such powers shall revert in the grand jury, subject to the said reservations and conditions.

(5.) When the Land Commission have exercised the powers conferred on them by this Act for the recovery of an advance secured by a guarantee, neither they nor any person appointed by them in that behalf shall be liable to account to any person interested in the county cess for any moneys which, but for their wilful neglect or default, they or he might have received, or for any moneys other than those which have actually come to their or his hands.

Recovery by  
the grand  
jury of in-  
struments in  
arrear.

11. Whenever a grand jury have made any presentment to fulfil a guarantee, under this Act, of any annuity in arrear, their Secretary shall, subject to the directions of the grand jury, proceed to recover from such annuitant the amount in arrear; and may take any proceedings and exercise any power, and do any thing which the Land Commission might have taken, or exercised, or done; and the name of the secretary of the grand jury shall for all purposes be deemed to be substituted for the name of the Land Commission, in any deed, instrument, or security relating to such arrears.

For that purpose, any legal proceedings may be in the official name of the secretary of the grand jury; and shall not abate or be discontinued, notwithstanding any change in the person who is secretary.

Power to  
sell subject  
to annuity.

12. Any sale of a holding by the Land Commission or a grand jury, under the thirtieth section of the Land Law (Ireland) Act,



1881, or under any power of sale, may, notwithstanding anything contained in that section, he made subject to the future payment of the annuity payable in respect of such holding, and in that case no part of the proceeds of such sale shall be applied in redemption of the said annuity; but, save as aforesaid, such proceeds shall be applied in the manner provided by that section.

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13. When any holding is sold by or at the suit of the Land Commission or a grand jury, the high court, or the county court of the county in which such holding is situate, may on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of the holding or part thereof purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Injunction  
to put pur-  
chaser in  
possession  
21 & 22 Vict.  
c 72 s 63

## PART III.

14. (1.) The Land Commission may, in payment of guaranteed advances under this Act, issue debentures of such amounts, in such manner, at such times, and with such interest, and under such conditions and regulations as may be prescribed.

Issue and  
guarantee of  
debentures.

(2.) Any debentures issued under this Act, (in this Act referred to as Irish land debentures), shall be payable at par at such times and upon such conditions as may be prescribed previous to the issue thereof.

(3.) All sums received by the Land Commission on account of annuities payable in respect of guaranteed advances under this Act, or otherwise in repayment of those advances, shall be applied in the prescribed manner, so far as they consist of interest, in paying the interest on the Irish land debentures, and, so far as they consist of principal, in paying off debentures, or in creating a sinking fund for such payment, or in payments which may render it unnecessary to issue debentures, or in such other manner, for the purpose of the ultimate discharge of capital sums due from the Land Commission under this Act, as may be prescribed.

(4.) *The Treasury may guarantee, in such manner as they think fit, the principal and interest of any Irish land debentures, and shall from time to time issue out of the Consolidated Fund, or the growing produce thereof, such sums as are necessary for the purpose of making up the amount by which the sums applicable as aforesaid by the Land Commission for paying the interest and principal of Irish land debentures are insufficient to pay such of the interest or principal guaranteed by the Treasury, as is for the time being payable.*

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(5.) *The expenses incurred in the issue of debentures shall be defrayed as part of the expenses of the Land Commission, and any fees received in respect of such debentures shall be paid into the Exchequer, or applied in aid of such expenses, as the Treasury may direct.*

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(6.) The Treasury may from time to time make, and, when made, revoke and vary rules with respect to Irish land debentures, and the interest thereon, and for prescribing matters directed by this Act to be prescribed in relation to such debentures, and otherwise for carrying into effect this Act so far as regards such debentures.

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Regulations  
as to Irish  
land debentures.

15. (1.) The Irish land debentures may be either to bearer or nominal.

(2.) A debenture to bearer shall make the principal sum payable to the bearer, and shall be transferable by delivery.

(3.) A nominal debenture shall make the principal sum payable to a person named therein, his executors, administrators, or assigns, and shall be transferable by writing in the prescribed manner.

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(4.) The interest on an Irish land debenture may be paid by means of coupons, made payable either to the bearer or to the person named in the coupon or his order, or to the owner for the time being of the debenture, according as may be prescribed.

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(5.) No notice of any trust in respect of any Irish land debenture, or of any coupon for the interest thereon, shall be receivable by the Land Commission, or any person acting under the Land Commission in relation to such debentures.

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Payment in  
debentures.

16. (1.) In the case of the sale of a holding by a landlord to a tenant for which a guaranteed advance is made, the purchase money shall be paid in Irish land debentures.

In the case of the sale of an estate by an owner to the Land Commission, such proportion of the purchase money as is equivalent to the amount of the guaranteed advances made by the Land Commission to the tenants of that estate, or if the purchase money is payable before that amount is determined, then so much of the purchase money as the Land Commission with the sanction of the Treasury may order, shall be paid in Irish land debentures.

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Any broken sum, part of such purchase money, which cannot be paid by a debenture, may be paid in cash by the Land Commission.

(2.) A tender of Irish land debentures in payment of the purchase money of a holding of which the payment in debentures is authorised by this Act, shall be a legal tender to the amount expressed in such debentures.

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- 5 17. Any power to invest in Government securities, whether under statute, rule of court, deed, will, or otherwise, shall extend to authorise an investment in Irish land debentures, but this shall not authorise a trustee to hold any debenture to bearer unless expressly authorised to do so by the terms of his trust. Investments in Irish land debentures.
- 10 18. The provisions of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the statute law of England relating to indictable offences by forgery," which relate to offences connected with debentures or
- 15 19. The provisions of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the statute law of England relating to indictable offences by forgery," which relate to offences connected with debentures or exchequer debentures shall extend to the like offences in relation to Irish land debentures in like manner as if they were exchequer debentures; and for the purposes of the Forgery Act, 1870, any coupon issued under this Act shall be deemed to be a coupon mentioned in the said Forgery Act, 1870. Forgery and perquisition.  
23 & 34 Vict. c. 38.

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## PART IV.

## LAW OF PURCHASE.

19. The landlord of any holding may sell such holding to the occupying tenant thereof, and the owner of any estate may sell such estate or any part thereof to the Land Commission for the purpose of a resale to the tenants of the lands comprised in such estate of their respective holdings. Power of sale.
- 25 20. Every sale from a landlord to a tenant under this Act shall be negotiated and completed through the medium of the Land Commission.

21. If such landlord or owner is a tenant for life, or has the powers of a tenant for life, and the land proposed to be sold is settled land, within the meaning of those expressions as used in the Settled Land Act, 1882, he shall have and may exercise all the powers conferred upon tenants for life under that Act, subject to the amendments thereof herein contained, and to the other provisions of this Act; and the purchase money arising from such sale may be invested or applied as if it were capital money arising under the said Act.

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Power to  
tenant for  
life to leave  
part of pur-  
chase money  
outstanding.

20. Where a landlord of a holding is a tenant for life or has the powers of a tenant for life within the meaning of those expressions as used in the Settled Land Act, 1882, and is selling such holding to the tenant thereof, he may exercise to the same extent as if he were an absolute owner the power of permitting any sum not ex- 5 ceeding *one-fourth* of the purchase money to remain as a charge upon such holding secured by a mortgage; and in case any advance is made by the Land Commission to the tenant for the purchase of such holding, any such mortgage shall be subject to any charge in favour of the Land Commission for securing such advance; and any 10 such mortgage shall be deemed to be part of the purchase money payable in respect of such holding, and the money secured thereby when paid shall be dealt with as if it were capital money arising under the Settled Land Act, 1882, or purchase money otherwise payable under this Act. 15

Vesting  
order in lieu  
of convey-  
ance.

21. When a sale of a holding by a landlord to a tenant has been negotiated and completed through the medium of the Land Commission; also when a holding has been sold by the Land Commission to a tenant or other person, it shall be lawful for the Land Commission to make an order vesting the holding in the pur- 20 chaser, subject to such charges, rights, and encumbrances, as may be specified in such order.

Every order for vesting a holding in a purchaser which purports to be made by the Land Commission in exercise of the powers conferred on them by this Act shall be binding upon all persons claiming any 25 estate or interest in the land comprised in the holding, and shall be as effectual in all respects as if it were a conveyance or assignment executed by one of the land judges of the Chancery Division of the High Court of Justice in Ireland under the Landed Estates Court Act: Provided, that where the purchaser of a holding is also tenant 30 of the holding the interest vested in him by such order shall, subject to any charges, rights, or encumbrances set out in the order, be deemed to be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising from its being such graft. 35

Charges and  
rights sub-  
ject to which  
the sale may  
be made.

22. (1.) The Land Commission may if they think fit declare by their order that the sale of any holding is made subject—

(a) to any chief rent, tithe rent-charge, quit-rent, or Crown rent payable out of the lands comprised in the holding,

(b) to any annuity charged upon the holding in favour of the 40 Land Commission,

(c) to any other mortgage or charge, or to any such apportioned part of any annual charge as the Land Commission may think fit should remain thereon.

(2.) The Land Commission may, if they think fit, declare by their order that the sale is made subject to any rights of common, rights of way, or other easements which the Land Commission find to affect such holding; and in that case the rights and easements so declared shall be the only rights or easements affecting the holding: or they may abstain from making any such declaration, and in that case the holding shall be deemed to be sold subject to such rights of common, rights of way, and other easements, as may lawfully affect the same.

(3.) Where the land comprised in any holding is subject to any mortgage, incumbrance, or charge, the Land Commission shall before sanctioning or completing the sale of such holding give such notice to the mortgagee, incumbrancer, or person interested as may be prescribed by rules under the Land Law (Ireland) Act, 1881.

(4.) In the case of a sale by a landlord to a tenant, such vesting order may be made at any time after the contract for sale is complete. But the purchase money shall, whenever necessary, be retained and dealt with in the manner provided by this Act.

23. A vesting order under this Act shall not prejudice or affect any tithe-rent charge, Crown rent, or quit-rent charged upon or issuing out of any land, or any charge in favour of the Commissioners of Public Works in Ireland made by virtue of any Act authorising the creation of such charge, save where the Land Commission shall think fit to redeem or apportion the tithe-rent charge, or Crown rent, or quit-rent, or any part thereof, or to pay off or redeem the charge in favour of the Commissioners of Public Works when such payment or redemption is authorised by law, and shall express in such vesting order that the land vested thereby is so vested discharged of all tithe-rent charge, Crown rents, or quit-rents, or charges, or either of them as the case may be; and in such case such land shall be so discharged accordingly.

24. When the capital money arising from any sale under this Act is retained by the Land Commission, the income thereof may be paid by them to the vendor or other person entitled thereto.

The Land Commission, when they think it expedient so to do, may make orders for the payment of such purchase money to any persons found by the Land Commission to be entitled thereto.

Vesting order not to affect certain public charges.  
21 & 22 Vict. c. 73. s. 62.

Appropriation of income and capital money.

A.D. 1884. — Save as expressly provided by this Act, nothing herein contained shall affect the rights of any incumbrancer or other person interested in any estate or holding sold, to the capital money arising from such sale.

Powers of  
Land Com-  
mission in  
cases of  
sales.

25. In every case in which the sale of a holding by a landlord to 5  
a tenant is negotiated and completed through the Land Commis-  
sion; also in every case in which a holding is sold by the land  
Commission to a tenant or other person, the Land Commission shall  
have the jurisdiction and powers which are vested in the land  
judges of the Chancery Division of the High Court by the following 10  
sections of the Landed Estates Court Act, and those sections shall be  
incorporated with this Act, as if the Land Commission were therein  
referred to, and as if the purposes of those sections included the  
purposes of this Act; that is to say,

Section thirty-seven, relating to the jurisdiction and powers of 15  
the Court, so far as may be necessary for enabling the Land Com-  
mission to discharge any of the duties imposed on them by this  
Act.

Sections sixty-eight and sixty-nine, relating to Crown rent, and  
quit rent, and incumbrances and charges. 20

Section seventy, relating to the payment of purchase money into  
Court in certain cases. Money may be paid into Court under that  
section in all cases in which the Land Commission think it expedient,  
and when paid in may be invested or applied as if it were capital  
money arising under the Settled Land Act, 1882, and were paid into 25  
Court under that Act; or, if the Court so orders, as if it were  
money paid into Court under the said section of the Landed Estates  
Court Act.

Section seventy-two, relating to apportionment of rent, and in  
that section the term "rent" shall include a fee-farm rent. 30

Section seventy-three, relating to persons under disability.

Section seventy-six, relating to the abatement of proceedings.

Appointments  
of trustees:  
Purchase of  
rents, &c. by  
the Land  
Commission.

26. When the tenant for life of any settled land or a person  
having the power of a tenant for life, is desirous to sell the land, or  
any part to a tenant or to the Land Commission, and there are no 35  
trustees of the settlement for the purposes of the Settled Land  
Act, 1882, or it is expedient that new trustees should be appointed,  
it shall be lawful for the Land Commission to appoint fit persons to  
be trustees of the settlement for the purposes of that Act.

Whenever for the purposes of purchasing any estate for resale 40  
to the tenants thereof, it appears to the Land Commission expedient

so to do, the Land Commission may purchase any land or hereditament held in connexion with such estate or any rent issuing out of it.

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27. On every sale from a landlord to a tenant which is negotiated and completed through the Land Commission, also on every sale from the Land Commission to a tenant or other person, when an advance is made by the Land Commission to the purchaser, the Land Commission shall charge the purchaser with one gross sum, which shall include the advance, the stamp duty on the vesting order made by the Land Commission, and the stamp duty and fees payable for registering such vesting order.

Sales to be  
for a gross  
sum.  
Stamp duty.

The Land Commission shall register in the Registry of Deeds in Dublin all vesting orders executed by them under this Act.

A landlord negotiating through the Land Commission for the sale of a holding to a tenant, or for the sale to the Land Commission of a holding or estate, shall furnish the abstract of his title and verify the same to the satisfaction of the Land Commission at his own cost.

No charge shall be made in respect of any investigation by the Land Commission of the title of either the vendor or the purchaser of any holding.

The stamp duty on vesting orders made by the Land Commission under this Act shall be at the same rate as if the vesting order were a conveyance.

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## PART V.

## THE LAND COMMISSION. APPEALS.

28. In addition to the three persons named as Commissioners in the Land Law (Ireland) Act, 1881, and their successors respectively, Her Majesty may by warrant under Her Royal Sign Manual appoint some fit person to be a member of the Land Commission, with a salary of *three thousand pounds* a year, to hold office for a term of *two years* from the date of his appointment.

Power to  
appoint  
additional  
member of  
the Land  
Commission.

Save as aforesaid, the provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Land Commission other than the judicial commissioner, shall apply to the person so appointed, and to any person appointed to a vacancy in his office.

If during the term of *two years* a vacancy occurs in the office of the Commissioner appointed under this Act, by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under Her Sign Manual appoint some other fit person to fill such vacancy;

A.D. 1884. but the person so appointed shall hold his office only until the expiration of the said term of *two years*.

Provision  
for hearing  
of appeals  
under the  
Land Act.

29. The Lord Lieutenant may from time to time nominate any of the county court judges in Ireland, not exceeding two, to be associated with the Land Commission for hearing and determining 5 appeals under the Land Law (Ireland) Act, 1881.

The period during which a county court judge may act shall be determined by the Lord Lieutenant, but not so as to exceed a period of *two years from the first of September one thousand eight hundred and eighty-four*. 10

When any county court judge has been so nominated, the Lord Lieutenant may order that for the purposes of hearing and determining appeals, the Land Commission shall be constituted in two divisions: each of such divisions shall consist of a president and two ordinary members. The president of one of such divisions 15 shall be Mr. Justice O'Hagan, or his successor in office for the time being. The president of the other of such divisions shall be a judge of the High Court required to serve as such president under this Act, or, until such judge is required to serve, or at any time when the services of such judge are not available, Mr. Edward 20 Falkoner Litton, or his successor in office.

The ordinary members of each of such divisions shall be a member of the Land Commission and a county court judge nominated as aforesaid.

Each of such divisions shall have all the powers which the 25 Land Commission have under the Land Law (Ireland) Act, 1881, with respect to appeals.

A judge  
of the High  
Court  
may be re-  
quired to aid  
in appeals.

30. Any judge of the High Court of Justice in Ireland appointed after the *first day of June one thousand eight hundred and eighty-four* shall, if required by the Lord Chancellor, serve from time to 30 time as president of one of the divisions of the Land Commission for hearing and determining appeals.

Remunera-  
tion of  
county court  
judge.

31. *A county court judge nominated by the Lord Lieutenant to be associated with the Land Commission under this Act shall be paid such remuneration out of moneys to be provided by Parlia- 35 ment, as the Lord Lieutenant, with the sanction of the Treasury, may determine.*

If, in discharging the duties imposed by this Act, such county court judge is necessarily absent from the county court or the court of quarter sessions of which he is chairman, a person may be 40 appointed to do and execute his duty in such courts in the manner



provided by the Civil Bill Courts (Ireland) Act, 1851. *The person appointed to do and execute the duty of such county court judge shall be paid such compensation as may be directed and appointed under the said Act, out of moneys to be provided by Parliament, and, notwithstanding the provisions of the said Act, no deduction shall be made from the salary of such county court judge for the purpose of compensating the person so appointed.*

A.D. 1854.

14 & 15 Vict.  
c. 57.

32. The Land Commission may from time to time, with the consent of the Lord Lieutenant and the Treasury, appoint or employ such counsel, solicitors, clerks, and persons as they think necessary for enabling them to carry into effect the provisions of this Act.

Addition to  
the staff of  
the Land  
Commission.

## PART VI.

## SUPPLEMENTAL PROVISIONS.

33. The county land board may from time to time, with the approval of the Local Government Board, appoint or employ a clerk, and such surveyors or other officers as they deem necessary for the purposes of this Act; and with the like approval may determine the salaries or remuneration to be paid to such persons.

Officers of  
the county  
land board.  
Expenses  
of elections.

The county land board shall from time to time certify to the grand jury the amounts payable to such persons under this Act; and the grand jury shall, without previous application to presentment sessions, present the amounts so certified.

The Local Government Board shall from time to time certify to the grand jury of each county the expense incurred for the election of members of the county land board, including the remuneration of the clerks of unions for services in connexion with such elections.

The grand jury shall, without previous application to presentment sessions, present the amount so certified.

34. Rules for carrying this Act into effect shall be deemed to be rules under the Land Law (Ireland) Act, 1881, and shall be made by the Land Commission accordingly.

Rules.

35. (1.) For the purposes of this Act, unless there is something in the context repugnant to such construction,—

Urban dis-  
tricts

The expression "county" shall include a county of a city and a county of a town, and also any city, town, or township in which there is a town council having the fiscal powers of a grand jury and which is wholly exempt from the liability

A.D. 1884.

to contribute towards expenses for county-at-large purposes incurred under the Grand Jury Acts by virtue of the presentments of the grand jury of the county in or adjoining to which such city, town, or township is situate:

And for the purposes of this Act the places aforesaid shall be deemed to constitute counties by themselves.

Any city, town, or township, which is not wholly exempt from the liability to contribute towards such last mentioned expenses, shall be liable to contribute towards expenses incurred under this Act in the same manner as if they were expenses for county-at-large purposes incurred under the Grand Jury Acts.

Where part of the area of a county or a town is subject to the fiscal jurisdiction of a grand jury, and part to that of a town council each of such parts shall for the purposes of this Act be deemed to constitute a county by itself.

(2.) Any guarantee given by the county land board of any place deemed to constitute a county by itself under this section shall specify the rate or rates charged with such guarantee: such rate or rates shall for the purposes of this Act be substituted for the county cess.

(3.) In such places,—

If default is made in payment to the Land Commission of any sums payable in fulfilment of such guarantee, the Land Commission shall have the like powers of making and levying a rate, appointing an officer, and otherwise, as they have by virtue of this Act when default is made by a grand jury; and the provisions of this Act in that behalf shall apply with the necessary modifications accordingly.

(4.) In such places, the certificate of sums due to the Land Commission on account of guaranteed advances shall be transmitted by the Land Commission to the town clerk at such times as may be prescribed by rules under this Act.

(5.) In such places, the provisions of this Act relative to deduction from rent of half the sum paid in consequence of any guarantee shall not apply.

(6.) The expression "grand jury" shall include a town council having the fiscal powers of a grand jury.

(7.) The expression "town council" shall include town commissioners or any other governing body of a town.

A town council shall not by virtue only of this Act sue or be sued by their clerk.

(8.) The expression "assizes" shall include meetings of a town-council; that expression shall also include a presenting term.

The expression "judge of assize" shall include the High Court. A.D. 1884.

(9.) Meetings of a town council for the purposes of this Act shall be held at such times as may be appointed by the town council or may be prescribed by Regulations of the Local Government Board under this Act.

(10.) Each riding of the county of Tipperary shall for the purposes of this Act be deemed to be a county.

36. The expression "the Lord Lieutenant" includes the lords justices or other chief governor or governors of Ireland for the time being. Interpretation.

The expression "the Landed Estates Court Act" means the Act of the session of the twenty-first and twenty-second year of the reign of Her present Majesty, chapter seventy-two, intituled "An Act to facilitate the sale and transfer of land in Ireland," as amended by any Act or Acts.

The expressions "the Treasury," "the Local Government Board," and "the Land Commission," mean respectively the Commissioners of Her Majesty's Treasury, the Local Government Board for Ireland, and the Irish Land Commission.

37. For the purposes of the first elections of county land boards under this Act, the Lord Lieutenant may by Order in Council provide in such manner and subject to such regulations as to him may seem meet, for all or any of the following matters: Temporary provisions for first election.

- (a.) For requiring the high sheriff of each county to summon a grand jury to meet at some convenient time after the passing of this Act, to nominate members to serve on the county board.
- (b.) For requiring the town clerk in any county of a city, county of a town, city, town, or township, which is deemed to constitute a county for the purposes of this Act, to convene a meeting of the town council for the like purpose at some convenient time after the passing of this Act.
- (c.) For requiring the Local Government Board to direct that a meeting of the guardians of the poor qualified to vote in each union for the election of the elected members of the board shall be held at some convenient time after the passing of this Act, and to give such directions and make such Regulations as may be expedient for that purpose.
- (d.) For any matters which appear to the Lord Lieutenant and Privy Council necessary or proper for carrying into effect the purposes of this section.

[288.]

C

A.D. 1884.

An Order in Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall, while it is in force, have effect as if it were enacted in this Act.

The members nominated and elected on the first occasion after the passing of this Act, shall come into office on the *first day of 5 January, one thousand eight hundred and eighty-five*, and shall continue in office from that day until the *twenty-fifth day of March* in the second year afterwards.

Repeal of provisions inconsistent with this Act.

38. So much of the forty-eighth section of the Land Law (Ireland) Act, 1881, as enacts that an appeal from the Land Commission to the Court of Appeal in Ireland shall not be permitted in respect of any matter arising under Part Five of that Act; also so much of the same section as enacts that nothing therein contained shall authorise the Land Commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the Land Commission, shall be and is hereby repealed. 15

Provision for agreements not completed at passing of Act.

39. Where before the passing of this Act an agreement has been made for the sale of a holding by a landlord to a tenant, but the purchase money has not been paid by the tenant and an advance has not been made by the Land Commission in respect thereof, the sale may be carried out and completed through the medium of the Land Commission under this Act. 20

Saving for the Land Law (Ireland) Act, 1881.

40. Nothing contained in this Act shall restrict the powers of the Land Commission under the Land Law (Ireland) Act, 1881. 25

44 & 45 Vict. c. 49.

## SCHEDULE OF REGULATIONS.

A.D. 1884.

(1.) The place of meeting of any county land board may be in the county court house.

(2.) If the county land board think fit to appoint a chairman and vice-chairman of the board, they may at their first meeting after the *twenty-fifth of March* in each year (or in the case of the Boards first constituted under this Act, at their first meeting after the passing of this Act), appoint members of the board to be chairman and vice-chairman, and to continue in office until the  
10 twenty-fifth of March in the year after their appointment; or the county land board may at each meeting appoint a chairman of the meeting.

(3.) Any member of the county land board may resign by notifying in writing his intention so to do to the clerk of the board for  
15 the time being. If any nominated or elected member of any county land board dies, resigns, or is disqualified, or ceases to be a member from any other cause than that of going out of office by lapse of time, then in the case of a nominated member the remaining nominated members may at their next meeting after the happening  
20 of such vacancy co-opt another person to be a member, and in the case of an elected member a new election shall be held in accordance with the provisions of this Act to fill such vacancy. The person so co-opted or elected shall continue in office only so long as the person in whose place he serves would have been entitled to continue in  
25 office.

A member dying between the time of his becoming a member and the time of his entering on office, also a member ceasing to hold any such qualification as would enable him to be elected a member, shall be deemed to create a casual vacancy.

(4.) If from any cause whatever a nomination or election of  
30 members for any county land board does not take place at the time appointed, the retiring nominated or elected members as the case may be shall, if willing to serve, continue in office during the ensuing year. In every nomination or election under this Act, in case of an  
35 equality of votes for any candidate, the foreman of the grand jury or the chairman, or other person occupying the position of chairman at such nomination or election in addition to his votes or vote, shall have a second or casting vote.

# Purchase of Land (Ireland).

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A

## B I L L

To amend the Land Law (Ireland) Act,  
1881, and to provide facilities for the  
sale and purchase of Land in Ireland.

*(Prepared and brought in by*  
*Mr. Trevelyan, Mr. Chancellor of the Exchequer,*  
*and Mr. Selkirk General for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,*  
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